

107TH CONGRESS  
2D SESSION

# H. R. 4597

To prevent nonimmigrant aliens who are delinquent in child support payments from gaining entry into the United States.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2002

Mr. CARDIN introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prevent nonimmigrant aliens who are delinquent in child support payments from gaining entry into the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. IMMIGRATION PROVISIONS.**

4       (a) NONIMMIGRANT ALIENS INELIGIBLE TO RE-  
5       CEIVE VISAS AND EXCLUDED FROM ADMISSION FOR  
6       NONPAYMENT OF CHILD SUPPORT.—

7               (1) IN GENERAL.—Section 212(a)(10) of the  
8       Immigration and Nationality Act (8 U.S.C.

1 1182(a)(10)) is amended by adding at the end the  
2 following:

3 “(F) NONPAYMENT OF CHILD SUPPORT.—

4 “(i) IN GENERAL.—Any non-  
5 immigrant alien is inadmissible who is le-  
6 gally obligated under a judgment, decree,  
7 or order to pay child support (as defined in  
8 section 459(i) of the Social Security Act),  
9 and whose failure to pay such child sup-  
10 port has resulted in an arrearage exceeding  
11 \$2,500, until child support payments  
12 under the judgment, decree, or order are  
13 satisfied or the nonimmigrant alien is in  
14 compliance with an approved payment  
15 agreement.

16 “(ii) WAIVER AUTHORIZED.—The At-  
17 torney General may waive the application  
18 of clause (i) in the case of an alien, if the  
19 Attorney General—

20 “(I) has received a request for  
21 the waiver from the court or adminis-  
22 trative agency having jurisdiction over  
23 the judgment, decree, or order obli-  
24 gating the alien to pay child support  
25 that is referred to in such clause; or

1 “(II) determines that there are  
2 prevailing humanitarian or public in-  
3 terest concerns.”.

4 (2) EFFECTIVE DATE.—The amendment made  
5 by this subsection shall take effect 180 days after  
6 the date of the enactment of this Act.

7 (b) AUTHORIZATION TO SERVE LEGAL PROCESS IN  
8 CHILD SUPPORT CASES ON CERTAIN ARRIVING  
9 ALIENS.—

10 (1) IN GENERAL.—Section 235(d) of the Immi-  
11 gration and Nationality Act (8 U.S.C. 1225(d)) is  
12 amended by adding at the end the following:

13 “(5) AUTHORITY TO SERVE PROCESS IN CHILD  
14 SUPPORT CASES.—

15 “(A) IN GENERAL.—To the extent con-  
16 sistent with State law, immigration officers are  
17 authorized to serve on any alien who is an ap-  
18 plicant for admission to the United States legal  
19 process with respect to any action to enforce or  
20 establish a legal obligation of an individual to  
21 pay child support (as defined in section 459(i)  
22 of the Social Security Act).

23 “(B) DEFINITION.—For purposes of sub-  
24 paragraph (A), the term ‘legal process’ means

any writ, order, summons or other similar process, which is issued by—

“(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

“(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 of the Social Security Act (42 U.S.C. 652) is amended by adding at the end the following:

“(m) If the Secretary receives a certification by a State agency, in accordance with section 454(34), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding \$2,500, the Secretary may, at the request of the State

1 agency, the Secretary of State, or the Attorney General,  
2 or on the Secretary's own initiative, provide such certifi-  
3 cation to the Secretary of State and the Attorney General  
4 information in order to enable them to carry out their re-  
5 sponsibilities under sections 212(a)(10) and 235(d) of  
6 such Act.”.

7 (2) STATE AGENCY RESPONSIBILITY.—Section  
8 454 of the Social Security Act (42 U.S.C. 654) is  
9 amended—

10 (A) by striking “and” at the end of para-  
11 graph (32);

12 (B) by striking the period at the end of  
13 paragraph (33) and inserting “; and”; and

14 (C) by inserting after paragraph (33) the  
15 following:

16 “(34) provide that the State agency will have in  
17 effect a procedure for certifying to the Secretary, in  
18 such format and accompanied by such supporting  
19 documentation as the Secretary may require, deter-  
20 minations that nonimmigrant aliens owe arrearages  
21 of child support in an amount exceeding \$2,500.”.

22 (3) EFFECTIVE DATE.—

23 (A) IN GENERAL.—The amendments made  
24 by this subsection shall take effect on October  
25 1, 2004, and, except as provided in subpara-

graph (B) of this paragraph, the amendments made by paragraph (2) shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date.

(B) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under section 454 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by paragraph (2) of this subsection, the State plan shall not be regarded as failing to comply with the requirements of such section 454 solely on the basis of the failure of the plan to meet such additional requirement before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of

- 1 such session shall be deemed to be a separate
- 2 regular session of the State legislature.

